

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MINE SAFETY APPLIANCES	§
COMPANY,	§ No. 94, 2011
	§
Plaintiff Below-	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§ in and for New Castle County
	§ C.A. No. N10C-07-241
THE NORTH RIVER INSURANCE	§
COMPANY,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: February 23, 2011

Decided: March 3, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

ORDER

This 3rd day of March 2011, it appears to the Court that:

(1) The plaintiff-appellant, Mine Safety Appliances Company (the “appellant”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Superior Court dated January 24, 2011, which granted the motion of the defendant-appellee, The North River Insurance Company (the “appellee”), to stay this declaratory judgment action pending resolution of two first-filed actions between the appellant and the appellee in the United States District Court for the Western District of Pennsylvania.

(2) The appellant filed its application for certification to take an interlocutory appeal in the Superior Court on February 3, 2011. The appellee filed its opposition on February 14, 2011. On February 23, 2011, the Superior Court denied the appellant's application for certification to take an interlocutory appeal on the ground that the requirements of Supreme Court Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the appellant's application for interlocutory review fails to meet the requirements of Supreme Court Rule 42 and, therefore, should be refused.

NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice